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ATTORNEY DOCKET NO. 25006.0016U2 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Breaker et al.) Art Unit: 1632
Application No. 10/669,162) Examiner: Unassigned
Filing Date: September 22, 2003) Confirmation No. 4368
For: RIBOSWITCHES, METHODS FOR THEIR USE, AND COMPOSITIONS FOR USE WITH RIBOSWITCHES)))

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Mail Stop Missing Parts Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.

Customer No. 23859

November 1, 2004

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on September 1, 2004, for the above-referenced patent application, Applicants submit the following:

- 1. A substitute copy of the Sequence Listing (129 pages);
- 2. A replacement diskette containing the Sequence Listing in computer readable form;
- 3. A copy of the Notice to Comply... (2 pages); and
- 4. A copy of the Raw Sequence Error Report (7 pages).

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The substitute paper copy of the Sequence Listing and the replacement diskette

containing the Sequence Listing for this application in computer readable form correct the errors

cited in the Notice to Comply... and attached Raw Sequence Listing Error Report. The

information in the enclosed replacement computer readable form is identical to the enclosed

substitute paper copy of the Sequence Listing and to the sequences as filed in the application on

September 22, 2003. The replacement Sequence Listing does not add new matter to the

application.

The enclosed substitute paper copy of the Sequence Listing and the replacement diskette

containing the Sequence Listing in computer readable form are believed to bring the Sequence

Listing into full compliance with the sequence rules. Therefore, entry of the Sequence Listing is

respectfully requested.

No fee is believed to be due; however, the Commissioner is hereby authorized to charge

any fees which may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

Robert A. Hodges, Ph.D.

Registration No. 41,074

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the Attendicated below.

Robert A. Hodges, Ph.D.

Date



ATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS PO. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/669,162

NEEDLE & ROSENBERG, P.C.

999 PEACHTREE STREET ATLANTA, GA 30309-3915

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SUITE 1000

09/22/2003

Ronald R. Breaker

25006.0016U2

CONFIRMATION NO. 4368

FORMALITIES LETTER

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Date Mailed: 09/01/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of
the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as
indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a
substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content
of the sequence listing information recorded in computer readable form is identical to the written (on paper
or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR
1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to:

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Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE